

REMARKS

This amendment accompanies an RCE, which was filed after final rejection of pending claims 1-15. In this amendment claims 1 and 16 are amended and new claims 38-47 are added.

In view of this amendment and these remarks, Applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Claims 5 and 16 are amended in a way that does not narrow the scope of either claim.

In the Final Rejection, each of the pending claims was rejected in view of Sung, et al. (U.S. Patent No. 5,814,862), either alone or in combination with other references. It is respectfully submitted the claims as originally filed, and as clarified herein, are allowable over the references of record.

Claim 1, as originally filed recite "depositing a conductive material to fill the recesses and to cover the gate contacts." It is respectfully submitted that the Sung reference does not teach a conductive material that covers a gate contact. In particular referring to Figure 2I, which was cited by the office action, the insulator 30 covers the gate contact not the conductors 40 and 40'. To clarify this point, the claim has been amended to specify that the gate contacts are covered "such that a continuous conductive layer of the conductive material fills a first recess extends over a gate contact and fills a second recess." Sung clearly does not teach such a continuous conductive layer. Therefore it is respectfully submitted that claim 1 is allowable over the references of records.

Claim 1 further requires "depositing a metal layer, where in the metal layer contacts at least a portion of the continuous conductive layer." The reference by Sung never teaches depositing a metal layer that contacts a portion of a continuous conductive layer since the layer is not continuous at the time a subsequent layer is formed. In other words, the claim has been

amended to clearly distinguish over the non-functional intermediate process step that might have been performed by the prior art.

Claims 2-15 depend from claim 1 and add further limitations. It is respectfully submitted that each of these claims are allowable by reason from depending from an allowable claim as well as or adding further limitations.

Claim 16-27 have been withdrawn as being directed to a species of the invention, in particular one that requires fabricating of a parity of capacitors and transistors. See Restriction Requirement mailed April 2, 2004. The examiner has noted in that restriction requirement, claim 1 is generic. Therefore, claim 16 has been amended in a matter to coincide with the amendment with claim 1. Since claim 1 is generic, it is respectfully requested that the restriction to claims 16-27 be withdrawn and these claims be allowed as well.

Claims 38-47 have been added herein. No new matter has been added. It is respectfully submitted that each of these claims is allowable over the references of record. For example, claim 38 requires "forming a conductive material within the at least two recesses and overlying the interposed structure, the conductive material electrically connecting the conductive regions exposed by the recesses; and forming a layer of material over the conductive material such that the conductive material electrically connects the conductive regions at a point and time when the layer of material is formed." It is respectfully submitted the reference of record does not teach or suggest the limitations of claim 38.


In view of the above, Applicants respectfully request that the rejection be withdrawn and the case be passed to issuance. If the Examiner should have any questions or otherwise feel it would move prosecution forward, Applicants respectfully invite the examiner to contact Applicants' attorney, at 972-732-1001. No fee is believed due in connection with this filing.

However, should one be deemed due, the Commissioner is hereby authorized to charge Deposit

Account No. 50-1065.

Respectfully submitted,

2/25/05
Date


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